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FILE NO. A33207-PCT-USA / 072667.0132
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Freyssinet et al.
Serial No. : 09/554,024 Examiner: Ibrahim, M.
Filed : May 8, 2000 Group Art Unit: 1638
For : GENE CODING FOR THANATIN, VECTOR CONTAINING THE
SAME AND RESULTING TRANSFORMED DISEASE RESISTANT
PLANTS

RESPONSE TO RESTRICTION REQUIREMENT

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231

April 22, 2002

Date of Deposit

Alicia A. Russo

Attorney Name

46,192

PTO Registration No.


Signature

April 22, 2002

Date of Signature

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated March 22, 2002, please consider the following remarks.

The Examiner has stated that the claims of the present application contain two distinct inventions, which he has divided into the following groups:

NY02:382158.1

Group I, claims 1-9, and 13-30, drawn to an isolated nucleic acid encoding thanatin, homologous or complementary sequences thereof, chimeric gene, transformed disease resistant plants or a plant cell, and methods for producing said plant/plant cell; and

Group II, claims 10-12, drawn to fusion proteins.

In response, Applicants elect to pursue the claims of Group I (claims 1-10, 19-35 and 39) in this application, without traverse, and without prejudice to the prosecution of the subject matter of non-elected claims in other patent applications.

Applicants believe no fee is due in connection with this communication. However, if any fee is due, please charge such fee to our Deposit Account No. 02-4377. Two copies of this sheet are enclosed.

Respectfully submitted,



Louis S. Sorell
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